

SPOUSAL SUPPORT

The court must consider all of the following factors in determining spousal support:

EARNING CAPACITY/MARITAL STANDARD OF LIVING

- Extent of earning capacity of each party to maintain marital standard of living:
- marketable skills of the supported party
- job market for those skills
- time and expense required for support party education/training to develop skills
- possible need for retraining or education to acquire more marketable skills or employment
- Extent of supported party's present or future earning capacity is impaired by periods of unemployment during the marriage devoted to domestic duties

CONTRIBUTIONS TO SUPPORTING SPOUSE

Extent supported party contributed to the education, training, career, or license by the supported party

ABILITY TO PAY/EARNING CAPACITY

Ability of the supporting party to pay spousal support, including earning capacity, earned and unearned income, assets, and standard of living

NEEDS OF EACH PARTY/MARITAL STANDARD OF LIVING

Needs of each party based upon the marital standard of living

OBLIGATIONS AND ASSET

Obligations and assets, including the separate property of each

DURATION OF MARRIAGE

The duration of marriage is generally from the date of the marriage to the date of the separation. Both spouses may not agree on these dates. The court may consider the periods of separation during the marriage in deciding if the marriage is of long duration (usually 10 years or more).

GAINFUL EMPLOYMENT/INTERESTS OF CHILDREN

The ability of supported party to work without unduly interfering with the interests of the dependent children in the custody of the party

AGE AND HEALTH

The age and health of the parties

HISTORY OF DOMESTIC VIOLENCE

Documented evidence of any history of domestic violence between the parties, including consideration of resultant emotional distress and consequence of any history of violence against the supporting spouse by the supported party

TAX CONSEQUENCES

Immediate and specific tax consequences to each party

BALANCE OF HARDSHIPS

Balance of hardships to each party

GOAL IN SELF-SUPPORTING

The goal that the supported party shall be self-supporting within a “reasonable period of time”.

- Except in marriages of long duration (10 years or more, or as determined by the court) (California Family Code, sections 4050-4076), a “reasonable period of time” to be self-supporting may be one-half the length of the marriage or as determined by the court.

CONVICTION OF DOMESTIC VIOLENCE

Rebuttable presumption disfavoring spousal support award to an abusive spouse convicted of domestic violence (California Family Code, sections 4050-4076)

JUST AND EQUITABLE

Any other factors the court determines are just and equitable

Upon dissolution or legal separation, a Court may order a vocational examination to assess the marketable skills, employment history, and current availability of employment opportunities. The Court may order the supporting spouse to pay, in addition to spousal support, the necessary expenses, and costs of the counseling, retraining, or education. (California Family Code, sections 4050-4076)

There is a rebuttable presumption of decreased need for spousal support if the supported party is cohabiting with a person of the opposite sex. (California Family Code, sections 4050-4076)

The Court may order the supporting party to give reasonable security for payment of spousal support. (California Family Code, sections 4050-4076)